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7                   **UNITED STATES DISTRICT COURT**  
8                   **DISTRICT OF NEVADA**  
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10 UNITED STATES OF AMERICA,

11                   Plaintiff,

12 v.

13 SAMUEL LEE CLAY,

14                   Defendant.

Case No. 2:06-CR-00056-KJD-PAL

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16                   **ORDER**

17         Before the Court for consideration is the Report of Findings and Recommendation (#26) of  
18 Magistrate Judge Peggy A. Leen entered September 28, 2006, recommending that Defendant's  
19 Motion to Suppress (#19) be denied. Objections (#34) to the Magistrate Judge's Report and  
Recommendation were filed by Defendant SAMUEL LEE CLAY pursuant to Local Rule IB 3-2 of  
20 the Local Rules of Practice of the United States District Court of the District of Nevada. The  
21 Government filed a response in opposition (#36) to the objections.

22         The Court has conducted a *de novo* review of the record in this case in accordance with 28  
23 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the Report and Recommendation  
24 (#261) of the United States Magistrate Judge entered September 28, 2006, should be **ADOPTED** and  
25 **AFFIRMED**. Having read and considered Defendant's arguments and the transcript of the  
evidentiary hearing, the Court finds that the officers had specific, articulable facts from which they

1 could conclude that a reasonable suspicion existed that Clay was violating state traffic laws.  
2 Therefore, the traffic stop leading to Clay's detention, arrest, and the discovery of the evidence in  
3 question did not violate his rights under the Fourth Amendment.

4 IT IS THEREFORE ORDERED that the Magistrate Judge's Report of Findings and  
5 Recommendations (#26) entered September 28, 2006, are **ADOPTED** and **AFFIRMED**, and  
6 Defendant's Motion to Suppress (#19) is **DENIED**.

7 DATED this 3<sup>RD</sup> day of January 2007.

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11 Kent J. Dawson  
United States District Judge

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